



Michael L. Beamish
Mayor
mayor.beamish@troyohio.gov

September 20, 2018

Federal Communications Commission
445 12th St SW
Washington, DC 20554

Dear Federal Communications Commission Board Members:

As Mayor of the City of Troy, Ohio, I am forwarding to you a copy of the Resolution approved by the Council of the City of Troy, Ohio on September 20, 2018, opposing the Federal Communications Commission's proposed Declaratory Ruling and Third Report and Order, titled *Streamlining Deployment of Next Generation Wireless Infrastructure*. Your report proposes new regulations that are contrary to those now contained in the Ohio Revised Code. The attached Resolution urges the FCC to allow comprehensive state legislation (such as Ohio Revised Code Chapter 4939) that would govern the placement, installation and maintenance of small cell facilities, as such regulations would be reflective of the needs, issues, conditions, and concerns of the individual communities and constituents of each state.

Other Ohio communities support this position and are enacting legislation similar to that attached. I respectfully request that you lend your support to the position of Troy and many other Ohio communities and not approve the above referenced report.

Thank you for your consideration and please feel free to contact me if you would like to discuss this issue further.

Sincerely,

Michael L. Beamish
Mayor
City of Troy, Ohio

encl.

cc: Ohio Governor John Kasich
Ohio Senator Bill Beagle
Ohio Representative Stephen Huffman
National League of Cities



RESOLUTION No. R-40-2018

Dayton Legal Blank, Inc.

**RESOLUTION EXPRESSING OPPOSITION TO THE
FEDERAL COMMUNICATIONS COMMISSION'S
PROPOSED DECLARATORY RULING AND THIRD
REPORT AND ORDER: STREAMLINING DEPLOYMENT
OF NEXT GENERATION WIRELESS INFRASTRUCTURE
AND DECLARING AN EMERGENCY**

WHEREAS, small cell technology, a tool to improve communication accessibility for the general population and businesses, requires extensive intrusion into the right-of-ways of municipalities across the country; and

WHEREAS, the City of Troy, Ohio recognizes the value of small cell technology, and want to encourage its implementation, as long as it is done in a safe and prudent manner; and

WHEREAS, the municipalities of Ohio, the Ohio General Assembly, and the major telecommunication companies spent eight months of negotiating and developing regulations to govern the placement, installation, and maintenance of small cell facilities as well as a fair fee structure to cover such placement, installation, and maintenance, which resulted in House Bill 478 and codified in the Ohio Revised Code, Chapter 4939; and

WHEREAS, those regulations were designed to allow the installation of small cell facilities throughout the municipalities of Ohio, but at the same time provided safeguards that protected each community's aesthetic standards and public infrastructure as well as their residents' safety; and

WHEREAS, the Federal Communications Commission ("FCC") now has before it a proposed Declaratory Ruling and Third Report and Order, titled *Streamlining Deployment of Next Generation Wireless Infrastructure*; and

WHEREAS, this report proposes new regulations that are contrary to the those now contained in the Ohio Revised Code; and

WHEREAS, the provisions in this proposal will negatively impact the ability of municipalities to protect the health, safety and welfare of their residents by allowing placement of small cell facilities on any publicly-owned structure in the right-of-way, regardless of whether that structure already has wireless equipment on it, or whether it has been zoned for placing that equipment, or even if they can support such facilities; and

WHEREAS, these proposed regulations will permit taller small cell facilities and reduce the municipalities' ability to include aesthetic requirements on the placement and installation of small cell facilities; and

WHEREAS, those proposed regulations further include a "one size fits all" approach to review of small cell facility installation applications, without regard to a communities' size and resources that impacts its abilities to properly and timely review such applications; and

WHEREAS, the Council of the City of Troy, Ohio objects to this proposal as counter-productive to the safe and effective installation of small cell facilities; and

WHEREAS, the Council of the City of Troy, Ohio believes that the regulations codified in the Ohio Revised Code are both fair and effective, and should remain in place rather than superseded by regulations that will fail to protect the health, safety and welfare of their residents and expose wireless infrastructure providers to unnecessary liability.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Troy, Ohio as follows:

SECTION I: That the Council of the City of Troy, Ohio hereby declares its opposition to the Federal Communications Commission's proposed Declaratory Ruling and Third Report and Order regarding state and local governance of small cell wireless infrastructure deployment known as *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84 and WT Docket No. 17-79.

SECTION II: That the Council of the City of Troy, Ohio hereby urges the FCC to allow comprehensive state legislation, such as that codified in the Ohio Revised Code, Chapter 4939, govern the placement, installation, and maintenance of small cell facilities, as those regulations are reflective of the needs, issues, conditions, and concerns of that state's communities and constituents.

SECTION III: That a copy of this Resolution be filed with the FCC and forwarded to U.S. Representatives Steven Chabot, Michael Turner, and Warren Davidson and to U.S. Senators Robert Portman and Sherrod Brown.

SECTION IV: That this Resolution is an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City of Troy, Ohio, and for the further reason that this Resolution needs to be delivered to the FCC prior to their national meeting scheduled for September 26, 2018; NOW, WHEREFORE, this Resolution shall be effective immediately upon its adoption and approval by the Mayor.

Adopted: September 20, 2018

Thomas M. Kendall
President of Council *Pio Tem*

Approved: September 20, 2018

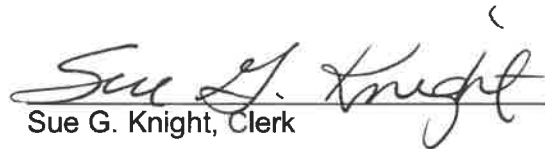
Attest: Suz H. Knight
Clerk of Council

Michael R. Bean
Mayor

CERTIFICATE

I, Sue G. Knight, Clerk of Council of the City of Troy, Ohio, do hereby certify that the foregoing is a true and correct copy of Resolution No. R-40-2018, passed by the Council of said City on the 20th day of September, 2018.

WITNESS my hand at Troy, Ohio, this 20th day of September, 2018.


Sue G. Knight, Clerk